

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1357 OF 2005.

IN

FIRST APPEAL NO. 2004 OF 2005.

Brihanmumbai Municipal Corporation. ... Applicant.

Versus.

Abhilasha Cooperative Housing
Society Ltd.

... Respondent.

Shri J.J.Xavier for the Applicant.

None for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 21st July, 2006.

P.C.:

1. This Application was called out in the morning session. The Advocate for the Applicant was present. However, none appeared for the Respondent. Hence the Application was kept back. When it was called out on the second occasion, the Advocate for the Applicant was present. However, none appeared for the Respondents.

2. Initially the Applicant-Corporation proposed to fix rateable value at Rs.26,04,635/-. The Investigating Officer reduced the amount to Rs.15,93,335/-. The order of the Investigating Officer has been set aside by the Judgment and Order impugned in the First Appeal and the property is ordered to be assessed at RLR Rate of Rs.509/- - Rs.517/- for that particular year. The property subject matter of the assessment consist of a building having ground and 17 upper floors consisting of 70 flats situated at August Kranti Marg, Mumbai.

Considering these facts a workable arrangement will have to be made during the pendency of the Appeal.

3. No reply has been filed to the application.

Considering the facts and circumstances of the case, the following order is passed:

- i) The operation of the impugned order will remain stayed till the final disposal of the First Appeal. During the pendency of the First Appeal, the Respondents will pay the necessary municipal taxes on the basis of rateable value of Rs.10,00,000/-.
- ii) This order is without prejudice to the rights of the Applicant to revise assessment for the subsequent years in accordance with law.
- iii) Civil Application disposed of.

Judge.